

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE ELECTRONIC BOOKS ANTITRUST
LITIGATION

No. 11-md-02293 (DLC)
ECF Case

This Document Relates to:

CLASS ACTION

ALL ACTIONS

**DECLARATION OF JEFFREY B. DUBNER IN FURTHER SUPPORT OF
CLASS PLAINTIFFS' MOTION TO EXCLUDE THE EXPERT OPINIONS
OFFERED BY APPLE'S EXPERTS MESSRS. ORSZAG AND KALT**

SUBMITTED UNDER SEAL
Pursuant to Protective Order

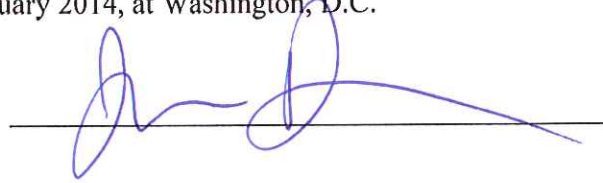
I, Jeffrey B. Dubner, declare as follows:

1. I am an attorney with the law firm of Cohen, Milstein, Sellers & Toll, PLLC (“Cohen Milstein”), one of the co-lead counsel of record for Class Plaintiffs in the above-entitled matter. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.
2. Attached are true and correct copies of the following exhibits:

No.	Description	Admitted Trial Ex. No.
A	Excerpt from the Expert Report of Richard J. Gilbert, dated Feb. 8, 2013	
B	Excerpt from the Direct Testimony of Dr. Richard J. Gilbert, dated Apr. 25, 2013)	PX-1105
C	Email and attachment sent from Christopher DuBee to Coram Williams dated Mar. 9, 2012, titled “PowerPoint for 2:30 meeting,” bearing Bates numbers PEN-LIT-00091435 through -00091459	
D	Email and attachment sent from Daniel Schwartz to Hillary Veith dated Jan. 6, 2011, titled “Agency Model Day 1 Pricing Recommendation_v8.doc,” bearing Bates numbers MCMLN-LIT-00094513 through -00094515	
E	Excerpts from the Deposition Testimony of Roger G. Noll, dated November 1, 2013	
F	Email and attachment from Joseph Frizzel to Frank Autunale, dated March 18, 2010, titled “FW: eBook pricing grid,” bearing Bates numbers PEN00006604 through PEN00006607	
G	Email and attachment from Catharine Lynch to Tim McCall, et al., dated July 22, 2010, titled “RE: Kindle Question,” bearing Bates numbers PEN00225461 through PEN00225468	

No.	Description	Admitted Trial Ex. No.
H	Email and attachment from Frank Autunnale to Christopher DuBee, dated November 5, 2010, titled "FW: eBook pricing grid," bearing Bates numbers PEN00640932 through PEN00640937	
I	Excerpts from the Deposition Testimony of Jonathan Orszag, dated December 7, 2014	
J	Revised Declaration of Dr. Michelle Burtis, dated May 29, 2013	DX-721
K	Apple Inc.'s Proposed Findings of Fact in <i>United States v. Apple Inc.</i> , No. 12-cv-2826, dated May 14, 2013	
L	Excerpt from the June 18, 2013 Reporter's Transcript of Proceedings, <i>United States v. Apple Inc.</i> , No. 12-cv-2826	
M	Excerpt from the Deposition Testimony of Joseph P. Kalt, dated December 4, 2013	
N	Excerpt from the June 20, 2013 Reporter's Transcript of Proceedings, <i>United States v. Apple Inc.</i> , No. 12-cv-2826	
O	Email from Jeff Bezos to Russell Grandinetti, et al., dated Dec. 10, 2009, titled, "DTP"	DX-071
P	Email from Russell Grandinetti to Ben Shapiro, et al., titled "RE: Apple's ebook pricing thoughts," dated December 9, 2009	DX-068
Q	Email from Theresa Horner to Anne O'Malley, titled "RE: eBooks Membership suggestion," dated June 4, 2010	PX-0552
R	Email from Fritz Foy to Theresa Horner, titled "Re: After the revolution," dated April 13, 2010	PX-0315
S	Excerpt from the Deposition Testimony of Richard J. Gilbert, dated April 10, 2013	

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 4th day of February 2014, at Washington, D.C.

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized, featuring a large loop on the left and a long, sweeping tail that extends to the right.